IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

ARBITRATION PETITION NO.50 OF 2007

Jaybharat Credit Limited — Petitioner

vs.

Baldev Khanna & anr. — Respondents

Mr.Dilip Rai i/b.Mr.R.N.Rai for the petitioner.

Ms.Vanita Kavar - respondent no.1.

CORAM : ANOOP V. MOHTA,J.

DATED : 30th March 2007

P.C.

The petitioner has filed an application under Section 9 of the Arbitration & Conciliation Act, 1996. In the matter of Hire-Purchase Agreement between the parties, there is an Award dated 9.1.2007 whereby the Arbitrator has directed to make the payment and also directed to hand over the vehicle in question. The petitioner, as averred and prayed, seeks order of appointment of Receiver. This Court has already granted prayer clause (b). The respondents by their affidavit dated 22.3.2007 undertakes to this Court that they shall surrender the said vehicle within one week.

2. Considering the fact that there is a Hire-Purchase Agreement and there is an Award in favour of the petitioner, there is substance in the submission made

by the petitioner. A case is therefore made out by the petitioner as contemplated under Order XL of the Code of Civil Procedure, 1908.

3. This petition is therefore disposed of in terms of prayers (a) and (b). There shall be no order as to costs.

[ANOOP V. MOHTA,J.]